

1 ALAN J. LAZARUS (State Bar No. 129767)
KRISTA L. COSNER (State Bar No. 213338)
2 DRINKER BIDDLE & REATH LLP
50 Fremont Street, 20th Floor
3 San Francisco, California 94105
Telephone: (415) 591-7500
4 Facsimile: (415) 591-7510
Alan.Lazarus@dbr.com
5 Krista.Cosner@dbr.com

6 Attorneys for Defendant
SMITHKLINE BEECHAM CORPORATION d/b/a
7 GLAXOSMITHKLINE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 MOHINDER KHANNA

12 Plaintiff,

13 v.

14 SMITHKLINE BEECHAM
15 CORPORATION d/b/a
GLAXOSMITHKLINE, McKESSON
16 PHARMACY SYSTEMS, and DOES ONE
through FIFTEEN, inclusive,

17 Defendants.
18

Case No. CV-08-1131 MHP

**NOTICE OF FILING
MDL TRANSFER ORDER**

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21 TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR COUNSEL OF
22 RECORD:

23 PLEASE TAKE NOTICE that on June 5, 2008, the Judicial Panel on Multidistrict
24 Litigation issued an order transferring this matter to the Multidistrict Litigation *In re*
25 *Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871 before
26 the Honorable Cynthia M. Rufe of the United States District Court for the Eastern
27 District of Pennsylvania. *See* Transfer Order attached hereto as Exhibit A.

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Dated: May 23, 2008

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

/s/ Krista L. Cosner

KRISTA L. COSNER

Attorneys for Defendant
SMITHKLINE BEECHAM
CORPORATION d/b/a
GLAXOSMITHKLINE

EXHIBIT A

A CERTIFIED TRUE COPY
ATTEST

By Denise Morgan-Stone on Jun 05, 2008

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jun 05, 2008

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: AVANDIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION

Mohinder Khanna v. SmithKline Beecham Corp., et al.,)
N.D. California, C.A. No. 3:08-01131)

MDL No. 1871

TRANSFER ORDER

Before the entire Panel: Plaintiff in this action (*Khanna*) pending in the Northern District of California has moved, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), to vacate the respective portion of our order conditionally transferring the action to the Eastern District of Pennsylvania for inclusion in MDL No. 1871. Responding defendant SmithKlineBeecham Corp. d/b/a/ GlaxoSmithKline (GSK) opposes the motion.

After considering all argument of counsel, we find that *Khanna* involves common questions of fact with actions in this litigation previously transferred to the Eastern District of Pennsylvania, and that transfer of the action to the Eastern District of Pennsylvania for inclusion in MDL No. 1871 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. We further find that transfer of *Khanna* is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Eastern District of Pennsylvania was a proper Section 1407 forum for actions arising from allegations that certain diabetes drugs manufactured by GSK – Avandia and/or two sister drugs containing Avandia (Avandamet and Avandaryl) – cause an increased risk of heart attack and other physical injury, and that GSK failed to provide adequate warnings concerning that risk. *See In re Avandia Marketing, Sales Practices and Products Liability Litigation*, 528 F.Supp.2d 1339 (J.P.M.L. 2007).

Plaintiff can present his motion for remand to state court to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Cynthia M. Rufe for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

* Judge Heyburn took no part in the disposition of this matter.

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PANEL ON MULTIDISTRICT LITIGATION



D. Lowell Jensen
Acting Chairman

John G. Heyburn II, Chairman*
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica